

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JOHN REX POWELL, )  
 )

No. 1:11-CR-191-SEB-KPF-03  
1:12-CR-23-SEB-KPF-01

PETITION TO ENTER A PLEA OF GUILTY

REQUEST FOR PRESENTENCE INVESTIGATION AND  
REVIEW OF PRESENTENCE REPORT PRIOR TO ENTRY OF PLEA OF GUILTY

The above-named defendant respectfully represents to the Court as follows:

1. My full true name is John Rex Powell, and I request that all proceedings against me be had in the name which I here declare to be my true name.
2. I was born in 19 71, at Somers Point in the State of MS. The last four digits of my Social Security number are XXX-XX-9170. I have attended school and completed my schooling through the high school grade; and I have the ability to read, write and understand the English language.
3. I am represented by counsel and my attorney's name is Kathleen Sweeney & Charles Hayes.

4. I have received a copy of the Indictment or Information before being called upon to plead. I have read and discussed it with my attorney and believe and feel that I understand every accusation made against me in this case.

5. I have told my attorney the facts and surrounding circumstances as known to me concerning the matters mentioned in the Indictment or Information, and believe and feel that my attorney is fully informed as to all such matters. My attorney has since informed, counseled and advised me as to the nature and cause of every accusation against me and as to any possible defenses I might have in this case.

6. My attorney has advised me that the punishment which the law provides is as follows:

Count	Minimum Years of Imprisonment	Maximum Years of Imprisonment	Maximum fine for this Count
Count 1 of the Child Exploitation Indictment in 1:11-CR-191-SEB-KPF-03	20	Life	\$250,000
Count 1 of Child Exploitation Indictment in 1:12-CR-23-SEB-KPF-01	15	30	\$250,000
Count 1 of the Child Exploitation Information to be filed in the District of New Jersey	15	30	250,000

My attorney has also advised me that my sentence will fall within the minimum and maximum after a determination of the applicable Sentencing Guidelines. I understand that restitution may also be imposed. Also that probation may or may not be granted; that if I plead "Guilty" to more than one offense (Count), the Court may order the sentences to be served consecutively one after another and the Court may order restitution. In addition, I understand that the Court must impose one or more terms of supervised release for at least five (5) years and may impose such term for up to the rest of my life for these offenses.

7. I understand that I will have to pay a Special Assessment of \$100.00 for each felony count and \$50.00 for each misdemeanor count to which I have plead guilty pursuant to Title 18, United States Code, Section 3013.

8. I understand that I am entitled to have all of my rights which may be involved in this matter explained to me, and that I have the right to have any questions I may have answered for me.

9. I understand that I may, if I so choose, plead "Not Guilty" to any offense charged against me, and that if I choose to plead "Not Guilty" the Constitution guarantees me: (a) the right to a speedy and public trial by jury in the District in which I am charged; (b) the right to be considered for release until my trial occurs<sup>2</sup>; (c) the right to see and hear all the witnesses against me at my trial; (d) the right to use the power and the process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor, at my trial; (e) the right to the assistance of counsel at every stage of the proceedings, including an appeal if need be; and (f) that in the event that I should be found guilty of the charge against me, I would have a right to appeal my conviction on such charge to a higher court.

10. I understand also, that if I plead "Guilty", the Court may impose the same punishment as if I had plead "Not Guilty", had stood trial and been convicted by a jury.

11. Except for the provisions of the Plea Agreement, I declare that no officer or agent of any branch of government (federal, state or local), nor any other person, has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I would receive a lighter sentence, or probation, or any other form of leniency, if I would plead "Guilty". I hope to

receive probation, but am prepared to accept any punishment permitted by law which the Court may see fit to impose. However, I respectfully request that the Court consider in mitigation of punishment at the time of sentencing the fact that by voluntarily pleading "Guilty" I have saved the Government and the Court the expense and inconvenience of a trial. I understand that before it imposes sentence, the Court will address me personally and ask me if I wish to make a statement on my behalf and to present any information in mitigation of punishment.

12. I believe and feel that my attorney has done all that anyone could do to counsel and assist me and that I now understand the proceedings in this case against me.

13. I know the Court will not accept a plea of "Guilty" from anyone who claims to be innocent and, with that in mind and because I make no claim of innocence, I wish to plead "Guilty", and respectfully request the Court to accept my plea as follows:

A. "Guilty" as charged to Count 1 of the Child Exploitation Enterprise Indictment in 1:11-CR-191-SEB-KPF-03;

B. "Guilty" as charged to Count 1 of the Child Exploitation Indictment in 1:12-CR-23-SEB-KPF-01; and

C. "Guilty" as charged to Count 1 of the Child Exploitation Information to be filed in the District of New Jersey and transferred to the

Southern District of Indiana under Rule 20 of the Federal Rules of Criminal Procedure.

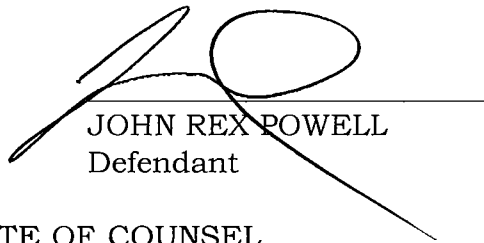
14. I declare that I offer my plea of "Guilty" freely, voluntarily and of my own accord; also that my attorney has explained to me, and I believe and feel I understand, the statements set forth in the Indictment and in this petition, and in the "Certificate of Counsel" which is attached to this petition.

15. I further state that I wish the Court to omit and consider as waived by me all readings of the Indictment in open Court, and all further proceedings regarding my arraignment, and I pray the Court to accept and enter now my plea of "Guilty" as set forth above in paragraph 13 of this petition.

16. I request and consent to a presentence investigation by the probation officers of the United States district courts to be commenced at this time and prior to the entry of my formal plea of guilty. I further request and consent to the review of my presentence report by a Judge, by my attorney and myself and by the government at any time, including the time prior to entry of a formal plea of guilty.

17. I further state that I will contact the United States Probation Office in the United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204 (Telephone: 317-229-3750) within five 5 calendar days of my signing this Petition so that the presentence investigation may be commenced

Signed by me in the presence of my attorney this 10<sup>th</sup> day of February, 2014.

  
JOHN REX POWELL  
Defendant

CERTIFICATE OF COUNSEL

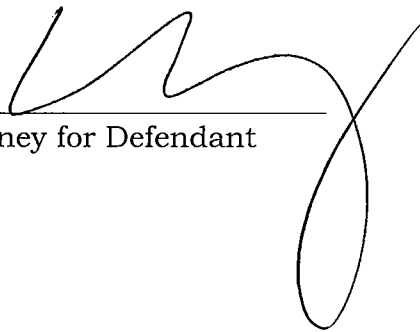
The undersigned, as attorney and counselor for the defendant, hereby certifies as follows:

1. I have read and fully explained to the defendant all the accusations against the defendant which are set forth in the Indictment or Information in this case;
2. To the best of my knowledge and belief each statement set forth in the foregoing petition is in all respects accurate and true;
3. The plea of "Guilty" as offered by the defendant in paragraph 13 of the foregoing petition accords with my understanding of the facts as related to me by the defendant and is consistent with my advice to the defendant;
4. In my opinion, the defendant's waiver of all reading of the Indictment or Information in open Court, and in all further proceedings regarding

arraignment as provided in Rule 10, is voluntarily and understandingly made;  
and I recommend to the Court that the waiver be accepted by the Court;

5. In my opinion, the plea of "Guilty" as offered by the defendant in paragraph 13 of the foregoing petition is voluntarily and understandingly made and I recommend to the Court that the plea of "Guilty" be now accepted and entered on behalf of the defendant as requested in paragraph 13 of the foregoing petition.

Signed by me in the presence of the above-named defendant this 10<sup>th</sup> day of February, 2014.

  
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Attorney for Defendant